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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

RED ROCK ANALYTICS, LLC,

Plaintiff,

v.

APPLE INC., QUALCOMM INC.

Defendants.

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NO. 6:21-CV-00346-ADA

**DECLARATION OF ANTHONY SIMON IN SUPPORT OF DEFENDANT
QUALCOMM INCORPORATED'S MOTION TO TRANSFER VENUE TO THE
NORTHERN DISTRICT OF CALIFORNIA**

I, Anthony Simon, declare:

1. The facts set out below are based on my personal knowledge of, including my investigations into, the matters addressed below.

2. I am a Vice President of Program Management at Qualcomm Technologies, Inc. ("QTI"), which is a wholly-owned subsidiary of Qualcomm Incorporated ("Qualcomm"). QTI is the "chip-business" of Qualcomm which designs Qualcomm-branded semiconductor products. I joined Qualcomm's office in San Jose, California in August, 2015. I currently work at Qualcomm's office in San Jose, California, and reside in San Jose, California.

3. I understand that Red Rock Analytics, LLC ("Red Rock") has filed a lawsuit against Qualcomm and Apple Inc. (the "Lawsuit") on April 26, 2021.

4. It is my understanding that the products accused of infringement in the Lawsuit's complaint ("Complaint") include certain Qualcomm-branded products with a 5G transceiver

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("Accused Qualcomm 5G Products") and/or Wi-Fi 6 transceiver ("Accused Qualcomm Wi-Fi 6 Products") (collectively, "Accused Qualcomm Products"), which include the products listed in Exhibit A which is attached to this declaration.

5. It is my understanding that the allegations in the Complaint relate to calibration of I-Q imbalance for one or more of the following types of transceivers: 5G millimeter wave transceivers ("5G mmWave"), 5G sub-6 GHz ("5G sub-6") transceivers, and Wi-Fi 6 transceivers.

Activities in Qualcomm's California Offices

6. Qualcomm is headquartered in San Diego, California. Qualcomm and its related entities employ approximately 13,007 out of 14,752 of its regular U.S.-based employees (including employees of QTI) in the State of California.

7. Qualcomm and its related entities employ approximately 1,693 of its regular U.S.-based employees (including employees of QTI) in the Northern District of California, which includes offices in Santa Clara and San Jose, California ("California Bay Area Offices").

8. As Program Manager at QTI, my responsibilities include program management for QTI's Wi-Fi 6 products. My team within QTI is responsible for tracking resources (e.g., budget, project scope, schedule) related to the research, design, and development of Qualcomm-branded Wi-Fi 6 products, including the research, design, and development of algorithms and techniques relating to any calibration of I-Q imbalance for the Accused Qualcomm Wi-Fi 6 Products.

9. The teams responsible for the research, design, and development of algorithms and techniques relating to any calibration of I-Q imbalance for the Accused Qualcomm Wi-Fi 6 Products include the WLAN systems, RFA connectivity design, and RF systems teams. The teams responsible for implementing the algorithms include the Wi-Fi physical layer, firmware, and hardware systems teams. Based on my own knowledge and based on my investigation, employees

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from these teams report to managers in the California Bay Area and San Diego, California and are based in the California Bay Area Offices, in San Diego, California, or outside the U.S.

10. I have not identified any Qualcomm entity employees in the teams described in Paragraph 9 as they relate to any calibration of I-Q imbalance for the Accused Qualcomm Wi-Fi 6 Products that are based in Austin, Texas, Richardson, Texas, or elsewhere in Texas.

11. I understand that the following individuals have knowledge that is relevant to algorithms and techniques relating to any calibration of I-Q imbalance for the Accused Qualcomm Wi-Fi 6 Products. These individuals are QTI employees with experience in one or more of the teams discussed in Paragraph 9:

- a. James Gardner, Senior Director, Technology, based in Qualcomm's San Jose office, is part of the WLAN systems team that is responsible for the research, design, and development of any RF and mixed-signal calibration of I-Q imbalance for the Accused Qualcomm Wi-Fi 6 Products.
- b. Michael Kohlmann, Vice President, Technology, based in Qualcomm's San Jose office, is part of the RF Systems team that is responsible for designing and developing specifications for RF radios and transceivers, which includes developing any necessary configurations relating to any calibration of I-Q imbalance for the Accused Qualcomm Wi-Fi 6 Products.
- c. Roger Brockenbrough, Senior Director, Technology, based in Qualcomm's San Jose office, is part of the RFA connectivity design team that is responsible for designing the Wi-Fi radios (e.g., mixed-signal, analog radios) for the Accused Qualcomm Wi-Fi 6 Products.

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d. Jayanand Asok Kumar, Engineer, Senior Staff, based in Qualcomm's San Jose office, is part of the Wi-Fi physical layer team that is responsible for designing the digital circuits in the physical layer for the Accused Qualcomm Wi-Fi 6 Products.

12. I understand that the WLAN systems, RFA connectivity design, and RF Systems teams in Qualcomm's California Bay Area Offices design the algorithms relating to any calibration of I-Q imbalance for the Accused Qualcomm Wi-Fi 6 Products.

13. The Wi-Fi physical layer, firmware, and hardware systems teams that implement the algorithms for Wi-Fi 6 are also based in San Jose, California.

14. The U.S.-based finance group for Qualcomm-branded Wi-Fi 6 products is based in Qualcomm's California offices in San Diego and San Jose. The group maintains sales data, forecasts, and other relevant financials for the Accused Qualcomm Wi-Fi 6 Products.

Activities in Qualcomm's Texas Offices

15. I understand that Qualcomm has an office located in Austin and another in Richardson, Texas. Qualcomm and its related entities employ approximately 391 of its regular U.S.-based employees (including employees of QTI) in the State of Texas.

16. I also understand that Qualcomm does not have an office in Waco, Texas. QTI has one employee who works remotely from his residence in Waco, Texas. The employee works on a system-on-a-chip (SOC) architecture team that establishes standardized bus protocols and designs digital circuits in chipsets. This employee is not now and has never been part of the teams described in Paragraph 9 for Wi-Fi 6 and is not responsible for algorithms and techniques relating to any calibration of I-Q imbalance for the Accused Qualcomm Wi-Fi 6 Products.

17. I understand that approximately 372 of Qualcomm and its related entities' regular U.S.-based employees (including employees of QTI) work in Qualcomm's Austin office. As

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explained below, I understand that none of the employees in Qualcomm's Austin office are responsible for algorithms and techniques relating to any calibration of I-Q imbalance for the Accused Qualcomm Wi-Fi 6 Products.

18. I understand that among the employees in Qualcomm's office in Austin, Texas are members of the digital signal processor (DSP) team. The DSP team is not responsible for the research, design, and development of algorithms and techniques relating to any calibration of I-Q imbalance for the Accused Qualcomm Wi-Fi 6 Products. The DSP team develops and designs DSPs. The DSP team based in Austin also is not responsible for writing software for or designing DSPs specific to calibration of I-Q imbalance for the Accused Qualcomm Wi-Fi 6 Products.

19. I further understand that the other employees based in Qualcomm's office in Austin are not responsible for the research, design, and development of algorithms and techniques relating to any calibration of I-Q imbalance for the Accused Qualcomm Wi-Fi 6 Products.

20. I understand that approximately 19 of Qualcomm and its related entities' regular U.S.-based employees (including employees of QTI) work in Qualcomm's Richardson office. I understand that no employees in Qualcomm's Richardson office are responsible for algorithms and techniques relating to any calibration of I-Q imbalance for the Accused Qualcomm Wi-Fi 6 Products.

21. I understand that among the employees in Richardson, Texas are employees who assist the Radio Frequency Integrated Circuit (RFIC) team. The Richardson employees who assist the RFIC team joined QTI in 2019. I understand that the employees who assist the RFIC team based in Richardson, Texas are not responsible for algorithms and techniques relating to any calibration of I-Q imbalance for the Accused Qualcomm Wi-Fi 6 Products.

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22. I further understand that the other employees based in Qualcomm's office in Richardson are not responsible for the research, design, and development of algorithms and techniques relating to any calibration of I-Q imbalance for the Accused Qualcomm Wi-Fi 6 Products.

Location of Documents Related to Accused Wi-Fi 6 Technologies

23. I understand that documentation and other materials related to the algorithms and techniques relating to any calibration of I-Q imbalance for the Accused Qualcomm Wi-Fi 6 Products are generated by employees in Qualcomm's California Bay Area Offices or San Diego Offices, where the teams described in Paragraph 9 for Wi-Fi 6 are based. Additionally, such documents and other materials are stored on servers, or stored locally in computers or available in hard copy at Qualcomm's California Bay Area Offices or San Diego Offices.

Qualcomm Employees Identified by the First Amended Complaint

24. It is my understanding that Red Rock's June 30, 2021 First Amended Complaint attaches an exhibit that cites to several patents and publications that have contributors or inventors who are QTI employees:

- a. U.S. Patent No. 10,116,485 ("the '485 Patent"),
- b. U.S. Patent No. 8,478,222 ("the '222 Patent"), and
- c. T. Zhang et al., A Precision Wideband Quadrature Generation Technique with Feedback Control for Millimeter-Wave Communications Systems, IEEE TRANSACTIONS ON MICROWAVE THEORY AND TECHNIQUES, Vol. 66, No. 1 (Jan. 2018) ("the Zhang paper").

25. I understand that the following contributors or inventors of the materials listed in Paragraph 24 are employed by QTI at Qualcomm's California Bay Area offices. Specifically:

- a. Tienyow Liu, James Gardner, and Jayananad Asok Kumar (for the '485 Patent).

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- b. James Gardner and Vincent K. Jones (for the '222 Patent).
- c. Mazhareddin Taghivand (for the Zhang paper).
- d. Roger Brockenbrough, Beomsup Kim, and Mohammad Mahdi Ghahramani
(acknowledged in the Zhang paper).

26. To my knowledge, none of the contributors to the patents and publications described in Paragraph 24, above, are employed by Qualcomm or its related entities at any of Qualcomm's offices within the State of Texas.

27. I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 13, 2021

DocuSigned by:
/s/ *Anthony Simon*
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Anthony Simon